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PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Johann Klein, et al

Application No.: 09/856,236

Filing Date: August 21, 2001

**For: Preparation Containing Gypsum From Flue Gas Desulphurisation, Method For
Using The Same And Use Thereof**

Confirmation No.: 3870

Group Art Unit: 1714

Examiner: Katarzyna I. Wyrozebski Lee

DATE OF DEPOSIT: June 7, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING
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John A. Harrelson, Jr.
TYPED NAME: John A. Harrelson, Jr.
REGISTRATION NO.: 42,637

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **January 8, 2004** finally rejecting claims 12-30 of the above-identified patent application.

The item(s) checked below are appropriate:

- Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as : \

06/10/2004 DEMMANU1 00000102 09856236

01 FC:1401
02 FC:1252

330.00 OP
310.00 OP

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PROCEDURE PURSUANT TO
37 CFR § 1.116

Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of January 8, 2004 to and through June 8, 2004 comprising an extension of the shortened statutory period of Two Months.

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	Fee	RATE	Fee
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$165	\$	\$330	\$330.00
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$0.00
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$210	\$	\$420	\$420.00
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$475	\$	\$950	\$0.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$740	\$	\$1480	\$0.00
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1005	\$	\$2010	\$0.00
<input checked="" type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$110.00)
TOTAL FEE DUE		\$0		\$640.00

A check in the amount of \$640.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

Please charge my Deposit Account No. 23-3050 in the amount of \$ ____ .00. This sheet is attached in duplicate.

The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

Date: June 7, 2004

John A. Harrelson, Jr.
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